

ARIZONA CAPITOL TIMES

Ducey won't budge on 'crown jewel' of gun legislation

By: Howard Fischer, Capitol Media Services August 15, 2018



In this May 8, 2018, file photo, Arizona Republican Gov. Doug Ducey speaks during an interview in his office at the Arizona Capitol in Phoenix. (AP Photo/Ross D. Franklin, File)

Gov. Doug Ducey is doubling down on his push for a law to let judges take guns from some people considered “dangerous” even though it was that provision that killed pretty much his entire school safety plan earlier this year.

“I think the STOP plan — the Severe Threat Order of Protection — is the crown jewel of our safe schools plan,” the governor said Wednesday when questioned by Capitol Media Services. It would set up a procedure to allow not just police but family members and others to seek a court order to have law enforcement take an individual’s weapons while he or she is locked up for up to 21 days for a mental evaluation.

“It’s the one tool that could have eliminated the mass shootings that have happened in other places in the country,” Ducey said.

Senate Republicans approved the proposal earlier this year, but only after removing the provision to allow family members, guidance counselors and school administrators to refer to courts people they consider dangerous to themselves or others.

But even with that change it died in the House, with Rep. Eddie Farnsworth, R-Gilbert, refusing to even give the measure a hearing in the Judiciary Committee, which he chairs. Farnsworth questioned whether there’s an acceptable way of doing this.

“We’re not talking about just taking people’s guns,” Farnsworth told Capitol Media Services at the time. “We’re talking about incarcerating them for the purpose of a psychological evaluation against their will, potentially infringing on their First Amendment rights, and infringing heavily upon their Second Amendment rights.”

It’s not just Farnsworth who objects. While the National Rifle Association was willing to go along with at least the watered-down version approved by the Senate, it still did not pass muster with the Arizona Citizens Defense League.

“The whole idea of a STOP order is ridiculous on its face,” said spokesman Charles Heller. “If you’re crazy enough to do a mass killing, you’re crazy enough to ignore a STOP order.”

And Heller, who said his organization takes a “no compromise” position on gun rights, dismissed the premise that such a court order would stop someone from getting or possessing a weapon in the first place.

“On what planet?” he asked.

Ducey, however, said Wednesday he remains convinced that this idea, part of a broader package designed around school safety, is crucial to achieving the goal.

The governor’s push comes the day after he was the only major gubernatorial candidate who did not attend a forum put on by March for our Lives Arizona. The group, formed by students in the wake of the shooting of students at a Parkland, Fla., high school, wanted to hear how each proposed to deal with school safety.

Democrats, in general, favor more gun regulation including closing an exception to laws on mandatory background checks when weapons are sold by one individual to another, including at gun shows.

By contrast, Republican Ken Bennett has blasted Ducey’s idea that allowing judges to take away guns will make schools safer, proposing instead to train people to carry firearms on campus. That has earned him the endorsement of the political action committee of the Citizens Defense League.

Ducey said Wednesday there was a good reason he didn’t attend the forum.

“I get invited to a lot of events,” he said. “It’s a shame I can’t make them all.”

The plan Ducey could not get lawmakers to adopt earlier this year included:

- age-appropriate school safety training, including “active shooter” drills;
- campus visitors having to provide identification;
- a central telephone hotline for students, teachers and others to notify of potential threats;
- reporting incidents as appropriate to police and parents;
- creation by each school a safety plan.

It also included money for additional counselors, something Ducey got separately in the budget.

Ducey also sought — but could not get approval from GOP lawmakers — a law making it a crime for adults to allow children access to firearms, a provision that Democrat Kelly Fryer specifically mentioned Tuesday as part of what is needed.

But the core — or as Ducey calls it, the “crown jewel” — are STOP orders allowing individuals, including family members, school administrators, significant others and those who have cohabited with someone to file legal papers asking a judge to order someone picked up.

What’s required is a “credible threat” of death or serious physical injury or some sort of actual or attempted act of violence in the prior six months that was intended to cause death or serious physical injury to self or others. A judge who determines there is enough in the complaint to pursue the matter can order police to pick up that person for an initial hearing where the person can be present, have counsel and make his or her own case.

And if there is “clear and convincing” evidence of a threat, a judge can issue a STOP order allowing that person to be held for evaluation for up to 21 days, a period that can be extended. Having a weapon while under a STOP order would subject the person to felony charges.

Democrats balked, saying the plan is flawed because it did not address several key issues, including universal background checks.

On Wednesday, Ducey said he would rather focus on dealing with an incomplete database of those who should not be allowed to purchase weapons under current law. While the governor’s overall school safety plan failed, he did get \$600,000 in the budget to improve background checks.

Ducey, however, would not answer a question of how helpful is a better database if people can avoid having their names checked solely by buying a weapon at a gun show or in a person-to-person sale.